FILED
2008 MAY 19 AM 10: 02

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 1545

UNITED STATES OF AMERICA,	Magistrate Case No.
Plaintiff,	COMPLAINT FOR VIOLATION OF
v.	
Michael David ASHE	Title 8, U.S.C., Section 1324(a)(2)(B)(iii)- Bringing in Illegal Alien(s) Without Presentation
Defendant.	

The undersigned complainant being duly sworn states:

On or about **May 15, 2008**, within the Southern District of California, defendant **Michael David ASHE**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Josefina ROJAS-Avila**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Claudia Rios, United States Customs
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **19th** DAY OF **May, 2008**.

UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

I, United States Customs and Border Protection (CBP) Enforcement Officer Heather Ramos, declare under penalty of perjury the following to be true and correct:

The complainant states that **Josefina ROJAS-Avila**, is a citizen of a country other than the United States; that said alien has admitted she is deportable; that her testimony is material; that it is impracticable to secure her attendance at trial by subpoena; and that she is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On May 15, 2008, at approximately 2240 hours, **Michael David ASHE (Defendant)**, applied for admission into the United States at the Otay Mesa, California Port of Entry as the driver and sole visible occupant of a 1996 Dodge Ram 1500. A Customs and Border Protection (CBP) Officer apprehended the Defendant, noticed the vehicle registration appeared to be counterfeit, and elected to escort the vehicle and Defendant to secondary for further inspection.

In secondary, CBP Officers discovered two adult females concealed under the rear seat in a non-factory compartment of the vehicle. The compartment was located under the rear bench seat of the cab area. Under the rear seat area several modifications were made to include removing part of the floor and quarter panels in order to provide additional space. The bench seat was attached with two pieces of wire that required cutting in order to remove the seat, and free the two females. The two adult females were later determined to be citizens of Mexico without entitlements to enter the United States. One of the two adult females is now identified as: **Josefina ROJAS-Avila (Material Witness).**

On a videotaped interview, Material Witness admitted she is a citizen of Mexico without legal rights to enter the United States. Material Witness stated she was going to pay approximately $3,000.00 USD to be smuggled into the United States. Material Witness stated she was en route to Santa Ana, California to be with her family.

EXECUTED ON THIS 16th DAY OF **May 2008** AT **1500 hours.**

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Heather Ramos / CBP Enforcement Officer

On the basis of the facts presented in the Probable Cause Statement consisting of 1 page, I find probable cause to believe that the defendant named therein committed the offense on **May 15, 2008** in violation of Title 8, United States Code, Section 1324.

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MAGISTRATE JUDGE

5/17/08 12:05 pm
DATE / TIME